



RE NEWS



RELEASE • RESTORE • REDEVELOP

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BROWNFIELD SITE ASSESSMENT GRANTS AWARDED

In March Governor Scott McCallum and the Department of Natural Resources (DNR) announced the third round of awards for the Brownfield Site Assessment Grant (SAG) Program. The DNR will fund 54 grants for 37 local governments, and will provide approximately \$1.7 million in SAG funds.

Small grants (up to \$30,000) make up 48 of the awards, while 6 are large grants (between \$30,000 and \$100,000). In total, the DNR received 73 applications totaling approximately \$3.12 million. Nearly twice as much money was requested than was available. Preliminary brownfields activities funded by the grants include Phase I and II environmental site

assessments, site investigations, demolition and asbestos removal associated with demolition, and removal of abandoned containers and underground storage tanks. Brownfields are abandoned, idle or underused industrial or commercial properties where redevelopment is hindered by real or perceived contamination.

Applications for the remaining \$1.7 million will be available in the fall of 2002. For more information about the Site Assessment Grant program, please visit the DNR's Remediation and Redevelopment (RR) Program web site at www.dnr.state.wi.us/org/aw/rr/rbrownfields/sag.htm, or contact Michael Prager at 608-261-4927, or pragem@dnr.state.wi.us.

BROWNFIELD SITE ASSESSMENT GRANTS AWARDED (CON'T.)

The following local governments are receiving SAG grants:

Cities, Towns and Villages

City of Ashland	\$30,000
City of Chippewa Falls	\$30,000
City of Cudahy	\$30,000
City of Delavan (3 grants)	\$19,000; \$23,500; \$29,000
Village of Dresser	\$26,300
Village of Elm Grove	\$5,681
City of Evansville	\$30,000
City of Fond du Lac	\$100,000
City of Greenfield	\$27,450
City of Jefferson	\$30,000
City of Kaukauna	\$14,000
Town of Lamartine	\$30,000
Town of Ledgeview	\$8,975
City of Loyal	\$16,000
City of Menasha	\$30,000
City of Menomonie (2 grants)	\$13,300; \$14,500
Village of Mishicot	\$14,157
City of New Berlin	\$10,000
City of Oshkosh	\$30,000
City of Sun Prairie	\$30,000
City of Superior	\$14,000
Village of Suring	\$30,000
Village of Waunakee	\$100,000
City of Wausau	\$30,000
City of West Allis	\$29,900

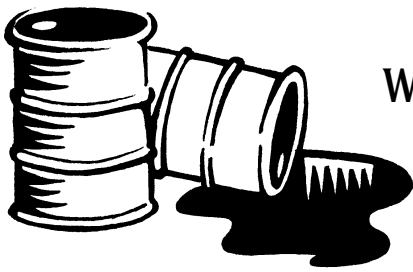
Counties

Crawford County	\$75,000
Marinette County	\$30,000
Oneida County	\$30,000
Outagamie County	\$16,250
Ozaukee County	\$30,000
Rusk County	\$16,400
Sawyer County	\$26,600
Vernon County	\$11,400
Waupaca County	\$30,000
Wood County	\$30,000

Redevelopment Authorities

Appleton	
Redevelopment Authority	\$100,000
South Milwaukee Community	\$30,000
Development Authority	
Redevelopment Authority of	\$25,147
the City of Milwaukee	\$24,262
(RACM) (9 grants)	\$20,655
	\$17,865
	\$29,997
	\$24,899
	\$23,670
	\$29,900
	\$22,829





DISCHARGE REPORTING AND DNR RESPONSE - WHAT RESPONSIBLE PARTIES AND CONSULTANTS SHOULD KNOW

Reporting discharges to the environment, and the actions that DNR, consultants and responsible parties take after discharge reporting are fundamental concepts in the RR Program. Yet it is not unusual for questions to arise. The RR Program Management Team has recently clarified these concepts for staff and anyone doing environmental investigation and clean-up work in Wisconsin (please see "Complying with Discharge Reporting Requirements," p. 5, Re News, March 2002 for more information).

Discharge Reporting

How do I report a discharge?

Discharges to the environment are typically identified in two different ways: observable incidents or analysis of data. Observable spill incidents, such as transportation or industrial accidents, must always be reported immediately by telephone or in person. Do not wait for laboratory data. Use the 24-hour statewide spill reporting hotline at 1-800-943-0003.

For discharges that are identified through laboratory analysis, the responsible person must also report the discharge immediately, but can use a different method. The easiest way to report non-emergency discharges is to complete and fax the Hazardous Substance Release Fax Notification Form, DNR Form 4400-225, as soon as laboratory data is available. A lab data summary should be faxed along with the form. Do not wait to write up a full narrative report before reporting the discharge.

Are there trigger levels for reporting?

Wisconsin does not have trigger levels for discharge reporting, with the exception of the de minimus exemptions in s. NR 706.07(2), Wis. Adm. Code. The de minimus exemptions apply when substances: pose no fire, explosion or safety hazard; have evaporated or been cleaned up; and don't impact the environment or threaten human health.

These exemptions apply to 1) petroleum that is completely contained, less than one gallon of gasoline, or

less than five gallons of another petroleum product; 2) agricultural chemicals of less than 250 pounds of dry fertilizer, less than 25 gallons of liquid fertilizer, or pesticides that can be applied according to label on less than one acre of land; and 3) federal reportable quantities (see U.S. Environmental Protection Agency information on the Internet for federal reportable quantities). Keep in mind that de minimus spill quantities must be cleaned up, but do not have to be reported to DNR.

What about less than 10 ppm GRO and DRO?

Underground storage tank (UST) site assessment reports that list discharges below 10 parts per million of gasoline range organics (GRO) or diesel range organics (DRO) should be reported to regional offices like any other discharge. Most of these discharges can be reported to regional offices by fax after lab data is received. Even if the data shows no detect, please send the report to the region for review. However, if free product or a sheen on groundwater is observed during tank removal, that discharge should be reported immediately by telephone or in person.

Consultants may remember that we have previously requested that reports below 10 ppm be sent to the central office in Madison. However, at this time, we are requesting that these UST reports be addressed to regional program assistants just like any other discharge report.

Can consultants make recommendations when reporting a discharge?

Yes. When responsible parties (RPs) and consultants who are acting for RPs report laboratory data that shows contamination, they may also provide a recommendation for the next step. Based on the data and the site conditions, a consultant may recommend that a site investigation under ch. NR 716, Wis. Adm. Code, be initiated. Or, a consultant may recommend that further action is not required due to very low contaminant levels. Other factors consultants should consider when making a recommendation include soil type and depth, depth to groundwater, depth to bedrock, receptors, environmental sensitivity, type of contamination, extent of contamination, adequacy of sampling data, field screening results, odors or staining, and the age of the release.

If DNR staff concur that no further action is needed, the discharge report will be tracked in the Bureau for Remediation and Redevelopment Tracking System (BRRTS) as a site with "no action required". If the RP wants a written response from DNR

DISCHARGE REPORTING AND DNR RESPONSE - WHAT RESPONSIBLE PARTIES AND CONSULTANTS SHOULD KNOW (CON'T.)

confirming that no site investigation is required, the RP should submit the required fee and request a general liability clarification letter.

How can I make the information I submit to DNR more understandable?

When sending a report to DNR regional offices, please tell us what you are sending, and why. Program staff in the DNR's Southeast Region (SER) have recently provided consultants with a checklist to indicate why the submittal is being made.

Please contact Vicky Stovall at 414-263-8688, or stovav@dnr.state.wi.us if you need a copy of the checklist for submittals in SER.



For other regions, please include a short cover letter with a reason why the report has been sent, and the review fee (if applicable). For example, reasons to submit a Phase 2 Environmental Assessment may include satisfying requirements for a lender liability exemption, for a voluntary party liability exemption (VPLE), or for other technical review. The cover letter should also clearly state either that no contamination has been identified, or should summarize the type of contaminants found and their highest levels.

DNR Response

There are four fundamental ways in which DNR may respond to a report of a discharge to the environment.

1. Require a site investigation under chapter NR 716, Wis. Adm. Code.

This requirement is conveyed in the familiar RP letter. In this case, DNR has determined that a full investigation of the extent and degree of contamination is required. Section 708.09(2) (a) through (c), Wis. Adm. Code, establishes criteria when a site investigation under chapter NR 716 should be required. These criteria include evidence that groundwater wells have been affected, evidence that contaminated soils may be in contact with groundwater, or the presence of free product.

2. Require a limited amount of specified data, rather than a full site investigation.

Rather than requiring a full site investigation, DNR may request a limited amount of additional information to determine whether a site investigation under ch. NR 716 is needed. Program staff may contact the RP or consultant by telephone or letter, specifying additional data that we need in order to make a decision (e.g. analytes or sample locations). By complying with these requirements, RPs may be able to avoid the expense of a full site investigation. One example is an incomplete Phase 2 Site Assessment that shows a little low-level contamination, and DNR requests additional data to help evaluate the degree and extent of contamination.

3. Determine that no further action is required after an immediate response by the RP.

When an RP has completed a satisfactory immediate action in response to a sudden discharge, DNR may close the case under s. 708.09, Wis. Adm. Code, without a site investigation conducted under ch. NR 716. The typical situation is a spill incident that is cleaned up within days of the discharge, before contamination has a chance to spread. This may also include a tank removal where a limited amount of contaminated soil (e.g. backfill) is removed immediately after discovery.

4. Determine that no action is required due to the nature of the discharge.

Section NR 708.09(1) (a) through (n) Wis. Adm. Code, establishes criteria that DNR staff will evaluate when determining whether a site investigation under ch. NR 716 is needed. Staff will also use the same site-specific factors discussed

DISCHARGE REPORTING AND DNR RESPONSE - WHAT RESPONSIBLE PARTIES AND CONSULTANTS SHOULD KNOW (CON'T.)

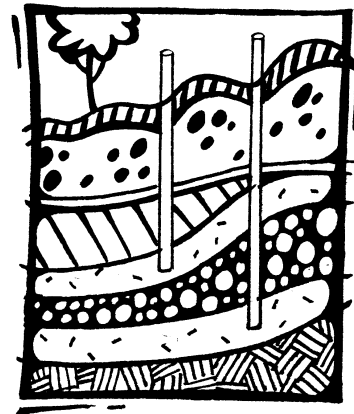
above (please see "Can consultants make recommendations when reporting a discharge?" page 3) when deciding whether a discharge report requires further investigation. If no further action is required, these sites will be identified in BRRTS as sites with "no action required."

We hope these clarifications will help responsible parties and environmental consultants understand the different scenarios that may result after making a report of a discharge to the environment. If you have questions, you may address them to one of our regional RR Program Team Supervisors - telephone numbers and email addresses for RR staff are located on the RR web page at www.dnr.state.wi.us/org/aw/rr. In Madison, contact RR Bureau Director Mark Giesfeldt at 608-267-7562, or giesfm@dnr.state.wi.us, or RR Outreach Team Leader Laurie Egge at 608-267-7560, or egrel@dnr.state.wi.us, for more information.

CHLORINATED SITES - EXPECTATIONS FOR CLEANUP, INVESTIGATION

The RR Program is seeing an increase in the identification and cleanup of sites contaminated with chlorinated compounds. These compounds are persistent in the environment, and typically have daughter, or breakdown, products that are more toxic than the original or parent compound.

These compounds are also known to sink in the aquifer, thereby providing a long-term source of contamination to groundwater and/or surface water. These behaviors are in contrast to petroleum compounds, which often stay near the water table and more readily break down to less toxic compounds through natural attenuation.



Incomplete Investigations and Proposals

Program staff are reporting receipt of some incomplete site investigations and remedial action proposals for sites contaminated by chlorinated compounds. Therefore, we are reminding consultants and responsible parties who investigate and clean up these sites that complete site investigations are critical to developing and selecting an effective and cost-efficient remedy.

Some of the shortcomings reported by staff include failure to delineate source areas and an unclear understanding of (groundwater and vapor) plume behavior before remedial action options are proposed. In addition, because of the behavior, toxicity and persistence of chlorinated compounds, national experience has shown that the use of natural attenuation as an effective remedy is the exception. However, in many cases, enhanced bioremediation can be effectively used in conjunction with other remedial options.

Natural Attenuation Reviews

Project managers will be reviewing natural attenuation of these sites as a remedial option on a case-by-case basis to determine whether the natural attenuation processes are both present and effective in cleaning chlorinated compounds

CHLORINATED SITES - EXPECTATIONS FOR CLEANUP, INVESTIGATION (CON'T.)

up to standards within a reasonable time frame. However, we do expect that the amount of information necessary will be more involved, more costly and will take a much longer time to obtain than is the case for petroleum compounds. We also expect that natural attenuation will not likely be an effective remedy for many of the chlorinated sites, and that other, active remedies will be needed on the majority of chlorinated sites.

It is especially important for consultants to remember that ch. NR 716.19, Wis. Adm. Code, requires that work plans be developed and submitted. We suggest you request work plan review and approval from a DNR project manager before starting the site investigation. There is a \$500 fee for this review. This approval may help reduce overall costs in many cases. As part of the remedial action options report, consultants should include a long term monitoring schedule that will provide the data needed to show that standards can be met.

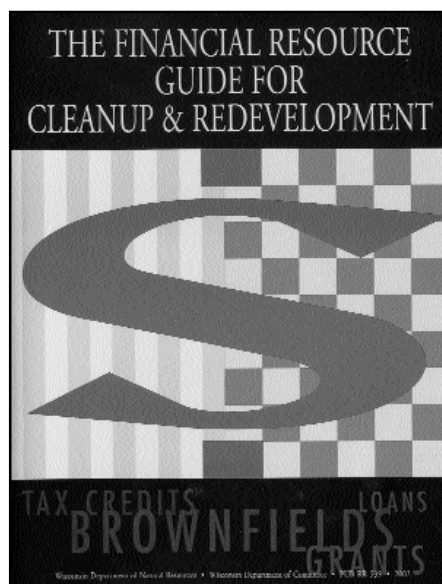
For sites where parties are participating in the Dry Cleaner Environmental Response Fund (DERF) program, DNR project managers will also review and approve all work plans and will be ensuring that complete investigations and remedy selection are occurring. For these DERF sites, there are no review fees for site investigation work plans or for review of remedial action option reports.

Many RR staff have recently been trained on accelerated bioremediation and natural attenuation of chlorinated solvents by John Wilson of the U.S. EPA, Robert S. Kerr Laboratory; and Carolyn Acheson of U.S. EPA, National Risk Management Laboratory. Program staff are preparing a guidance about natural attenuation and its limits for chlorinated compounds for staff and consultant use, which is expected to be available by fall. The guidance will include Internet information on investigation techniques to better define degree and extent of contamination while minimizing costs, as well as cleanup options. The guidance will also address how to evaluate the potential effectiveness of natural attenuation as a component of a comprehensive remedial strategy.

NEW FINANCIAL RESOURCE GUIDE AVAILABLE!

The RR Program is pleased to announce the updated *2001-2003 Financial Resource Guide for Cleanup and Redevelopment* (publication #RR-539). This fifty-page booklet contains every grant, loan and tax incentive program available to assist individuals, businesses and local governments in the investigation, cleanup and redevelopment of contaminated sites in Wisconsin.

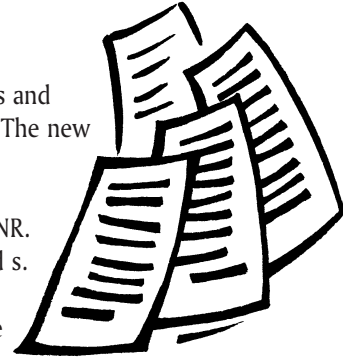
Included are programs from state and federal agencies, along with web sites and helpful reference charts and additional resources. You may download this publication from our web site at www.dnr.state.wi.us/org/aw/rr/archives/pubs/RR539.pdf, or order a hard copy by calling the RR Information Line at 800-367-6076 (in-state long distance) or 608-264-6020 (Madison area or out-of-state long distance).



NEW PROCESS FINALIZED FOR REVIEW OF PROPOSALS TO DEVELOP ON HISTORIC FILL SITES AND LICENSED LANDFILLS

The RR and Waste Management (WA) programs have completed joint guidance documents and application forms for approval of development on historic fill sites and licensed landfills. The new process became effective in early May.

Historic fill sites are landfills that received waste before 1970 and were not licensed by DNR. The new approval process allows expedited exemptions from s. 289.46(2), Wis. Stats., and s. NR 506.085, Wis. Adm. Code, which restrict activities that interfere with a closed facility. An exemption is required to use the site for agricultural purposes, for construction on the site or for excavation of waste or cover materials.



These restrictions have caused interested parties to shy away from building or developing on these properties. DNR has now simplified the approval process for development at these locations. The following new documents are available on the RR web site:

- *Development at Historic Fill Sites and Licensed Landfills: What You Need to Know* (publication #RR-683); www.dnr.state.wi.us/org/aw/rr/archives/pubs/RR683.pdf;
- *Development at Historic Fill Sites and Licensed Landfills: Guidance for Investigation* (publication #RR-684); www.dnr.state.wi.us/org/aw/rr/archives/pubs/RR684.pdf;
- *Development at Historic Fill Sites and Licensed Landfills: Considerations and Potential Problems* (publication #RR-685); www.dnr.state.wi.us/org/aw/rr/archives/pubs/RR685.pdf; and
- *Development at Historic Fill Site or Licensed Landfills - Exemption Application* (Forms 4400-226 and 4400-226A); www.dnr.state.wi.us/org/aw/rr/archives/pubs/4400-226.pdf and [4400-226a.pdf](http://www.dnr.state.wi.us/org/aw/rr/archives/pubs/4400-226a.pdf).

A \$500 review fee is required with an exemption application. If the exemption application is included with an NR 700 site investigation report, remedial action options report or a design report, and the \$750 fee is paid, the DNR's review of the exemption application will be included in the DNR's review of the NR 700 submittal, and an additional \$500 fee is not required. For individuals whose properties are in the Voluntary Party Liability Exemption (VPLE) process, these individuals will be billed on an hourly basis in accordance with the provisions under ch. NR 750, Wis. Adm. Code.

When an environmental consultant believes that proposed development on a historic fill site or licensed landfill presents minimal risks to health and the environment, less information is required on the application and the approval should be granted quickly - within two weeks of receipt of the application. More detailed case-by-case reviews will take longer, up to 65 business days.

Consultants are responsible for determining whether an application form should be sent to regional staff in the RR Program or the WA Program. Mail applications to RR staff when the fill site has never been licensed, or when remedial actions at a licensed solid waste facility are already being conducted under the NR 700 rules.

All applications for development at licensed facilities that are not conducting remediation under ch. NR 700, Wis. Admin. Code, should be mailed to regional WA Program staff. If you have site-specific questions, please contact the appropriate regional DNR staff, listed in *Development at Historic Fill Sites and Licensed Landfills: What You Need To Know* (publication #RR-683).

If you have questions about the overall exemption process, please contact Mark Gordon in the RR Program at 608-266-7278, or gordom@dnr.state.wi.us, or Dennis Mack in the WA Program at 608-267-9386, or mackd@dnr.state.wi.us.



SUCCESS STORIES

OSHKOSH TAKES GIANT STEP TOWARD DOWNTOWN RENOVATION

The successful remediation and redevelopment of a former foundry, gas station and lumber company is just the beginning of Oshkosh's multi-million dollar downtown redevelopment effort. Radford Villages, apartment style housing for University of Wisconsin-Oshkosh students, now stands where the former commercial businesses once stood.

History

The City's Comprehensive Plan, adopted in 1993, calls for the redevelopment and transformation of the Radford/Universal Foundry area from manufacturing to residential, commercial, and open space. City officials established a partnership with the DNR, STS Consultants Inc., Coldwell Banker, Schwab Realty and PortSide Properties to facilitate development in a timely, efficient and productive manner.

The 10 acres, located approximately 500 feet northeast of the Fox River, was once two separate parcels. Universal Foundry made up seven acres on the site, and the other three acres belonged to the Radford Lumber Company. Universal Foundry went bankrupt in 1983-84 and the city purchased the parcel in January, 1999. The Radford property was purchased by the city in September, 1991.

City officials approached the redevelopment of these parcels with a wide array of brownfields redevelopment tools, including a DNR Brownfields Site Assessment (SAG) Grant; a Department of Brownfields Grant; the Urban Development Zone (SUDZ) program; tax incremental financing (TIF) and the DNR's Voluntary Party Liability Exemption (VPLE) process.



Universal Foundry property in Oshkosh prior to demolition (photo by STS Consultants).

OSHKOSH TAKES GIANT STEP TOWARD DOWNTOWN RENOVATION (CON'T.)

Contamination Issues

The City of Oshkosh decided to enter both the Radford and Universal Foundry parcels into the Voluntary Party Liability Exemption (VPLE) process. The VPLE process allows parties to voluntarily conduct an environmental investigation and cleanup of a property and then receive a Certificate of Completion from the DNR, which provides limits on their future liability.

The Radford Parcel - A Phase I and Phase II Environmental Site Assessment (ESA) identified a leaking underground storage tank (LUST) that was removed and closed out in June, 1994. After additional investigation work, a VPLE Certificate of Completion was granted to the city in February 2000.

The Universal Foundry Parcel - The Phase I and Phase II ESA identified numerous leaking underground storage tanks, solvent contamination, and foundry sand waste. Lead was also found in isolated areas of the property. City and state officials are also working to remediate this property under the VPLE process.

Soils containing lead and petroleum were excavated, and any remaining lead contaminated soils were safeguarded with protective caps. There are two areas capped on the Radford Village site, the courtyard and parking lot. Petroleum impacted soil was treated in a Biocell at Valley Trail Recycling and Disposal Facility in Berlin, Wisconsin, then reused as daily cover at the landfill. Lead impacted soil was also used as daily cover at Winnebago County Landfill in Oshkosh.

Cashing In On Cleanup

Through these cleanup efforts, the creation of a TIF District and use of other redevelopment tools from the DNR and Department of Commerce, the base value of the property is estimated to have increased by 86 percent.



New apartments at Radford Villages (photo by Michelle Syring, DNR).

Radford Villages is just the start of what city officials have planned for the area. They recently approved the construction of a 20,000-square-foot retail and commercial center adjacent to Radford Villages and set aside \$4.5 million for property purchases, business relocation, demolition and site-preparation in the area.

For more information about the site, please contact Michelle Syring at 920-492-5878, or syrimm@dnr.state.wi.us.

HOW DOES THE LOCAL GOVERNMENT EXEMPTION WORK?

The RR Program has recently encountered several instances of confusion over the applicability of the local governmental unit (LGU) liability exemption in the state's Spill Law (s. 292, Wis. Stats.). Questions have arisen about a number of issues, including when local governments are exempt, and if exempt, what actions are needed.



The LGU exemption, s. 292.11 (9)(e), Wis. Stats., was created in 1994 as part of Wisconsin's Land Recycling Law. The exemption provides an incentive to local governments to get involved in the clean up and redevelopment of contaminated properties. It protects communities against the high costs of investigating and remediating properties that they acquire "involuntarily."

Property acquisition methods a local government can use to receive the exemption are spelled out s. 292.11(9)(e), Wis. Stats. The local government does not have to apply for or receive DNR approval for the exemption. The local government is exempt if the property is acquired in one of these specified ways:

- through tax delinquency proceedings;
- by order of a bankruptcy court;
- from another exempt LGU;
- through condemnation or another proceeding under ch. 32, Wis. Stats. (eminent domain);
- for the purpose of slum clearance or blight elimination;
- through escheat (property transferred to the LGU when there are no legal heirs or when the heirs disclaim the property); and
- through the use of funds from the state's Stewardship Grant Program.

Either before or after a community takes title to a property, a discussion with the local DNR representative can help local officials avoid problems and take appropriate actions with greater confidence. Although an exempt local government is not required to investigate or clean up the property, as the new property owner it will want to avoid the creation of new environmental problems, or avoid any actions that could cause existing contamination to become worse. The DNR can provide general liability clarification letters to local governments, upon request and for a fee, as a way to aid this process.

WHAT DEFINES A "LOCAL GOVERNMENT?"

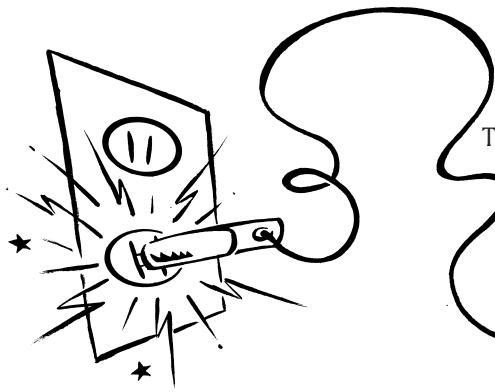
A "Local Governmental Unit" (LGU) includes a city, town, village, county, county utility district, town sanitary district, public inland lake protection and rehabilitation district, metropolitan sewage district, a redevelopment authority (blight elimination and slum clearance) created under s. 66.1333, Wis. Stats., a public body designated by a municipality (urban renewal) under s. 66.1337(4), Wis. Stats., a community development authority, a housing authority, or a federal tax-exempt economic development corporation.

HOW DOES THE LOCAL GOVERNMENT EXEMPTION WORK? (CON'T.)

Based on recent experiences with the LGU exemption, there are several key points to remember.

1. A local government does not have to apply for or obtain DNR approval for the exemption, if it acquires the property in one of the ways specified above.
2. The exemption is not transferable to a future property owner, unless the property owner is a local government.
3. There are prescribed property acquisition methods that trigger the exemption.
4. An exempt local government does not have to investigate or clean up the property.
5. However, if the local government is going to reuse the property for its own purposes, it will need to ensure that public health and safety is protected once the property is reused. This may require that limited investigation and cleanup activities are undertaken. The DNR recommends that the local government discuss its reuse plans for such a property with the Department as early in the process as possible.
6. The local government must notify the DNR of any discharges on the property (new or old), and allow the DNR or others to have access to the property for site investigation and/or clean up purposes.
7. General liability clarification (GLC) letters can be requested to clarify local government responsibilities and liabilities, either before or after acquiring a property. A \$500 fee is required to be paid before a GLC letter will be issued.
8. The DNR now has enforcement discretion to provide local governments with letters clarifying that the department will not require a local government to investigate or cleanup a hazardous waste site or facility (e.g. generator, transportation, treatment, storage, disposal, etc.) under the state's hazardous waste laws and rules, if the LGU meets the conditions summarized above.

Please contact your regional DNR office, or Dan Kolberg at 608-267-7500, or kolbed@dnr.state.wi.us, if you would like to talk more about the LGU liability exemption and how it may apply to a property in your community.



ELECTRONIC SUBMITTAL GUIDELINES AVAILABLE

The RR Program has completed guidelines for submitting some case closure information electronically when sites will be included on the GIS Registry. *Guidance for Electronic Submittals for the GIS Registry of Closed Remediation Sites* (publication #RR-690), is located under our "Publications" button on the RR Program main web page at www.dnr.state.wi.us/org/aw/rr/archives/pub_index.html.



The GIS Registry of Closed Remediation Sites is a geographic information system (GIS) registry that shows contaminated sites that have been closed using natural attenuation to complete the groundwater cleanup. At these sites, the state has approved case closure with residual contamination above the groundwater enforcement standards in ch. NR 140, Wis. Adm. Code. The registry can be located on the RR Program's main web page at www.dnr.state.wi.us. Use the "GIS" button located under the "Find Sites" button in the upper left-hand corner of the page.

When making case closure requests for sites that will be included on the registry, some consultants had to reduce the size of maps to comply with the 8.5 by 14 inch size limitations. The new guidelines outline how responsible party representatives may now prepare documents for submittal on disk or CD-ROM, allowing maps and drawings in a format that is ready to include on the registry.

ELECTRONIC SUBMITTAL GUIDELINES AVAILABLE (CON'T.)

For example, s. NR 726.05(3)(a)4., Wis. Adm. Code, requires maps no larger than 8.5 by 14 inches in size. The purpose of this requirement is to allow department staff to scan paper maps into the registry. However, if reducing a map to the required size causes a loss of detail on the paper copy, then the consultant may provide the map electronically in its original size and resolution.

Normally, the RR Program requires two copies of submittals. An electronic version, however, may substitute for all of or a portion of one of the paper copies. Consultants or representatives may send one complete paper copy, plus a second electronic copy; or they can send a mixed submittal - a second copy with a portion that is electronic only. All electronic submittals should be prepared in accordance with the new guidelines.

We encourage consultants and representatives of responsible parties to submit documents electronically for inclusion in the registry. In fact, at some time in the future the RR Program expects to propose a rule amendment that will allow only electronic submittals rather than paper copies.

The Guidance for Electronic Submittals publication includes more information about file formats, disks and signature pages. Questions on the guidelines may be directed to Gary Edelstein at 608-267-7563, or edelsg@dnr.state.wi.us.

PROPOSED RULE CHANGES WOULD ESTABLISH GIS SOIL REGISTRY



Proposed changes to chapters NR 700, 714, 722, 726 and 749, Wis. Adm. Code, were approved by the Natural Resources Board in late April. These rule changes clarify the application of deed notices and restrictions to properties where residual soil contamination remains after case closure. The changes establish an on-line geographic information system (GIS) registry to replace most soil deed notices.

This registry will be similar to the Groundwater GIS Registry that became effective November 1, 2001. Both the soil and groundwater GIS information would be found in the same on-line registry. The proposed changes to ch. NR 749

establish a \$200 fee, payable at the time the case closure request is submitted, to enable DNR to recover the costs of managing the contaminated soil sites on the registry.

The purpose of the registry is to notify future owners and occupants about the residual contamination. Including soil information on the registry will provide continuous public access to this information, so the proposed rule also repeals NR 714.07(5), which currently requires responsible parties to publish a legal notice in a local newspaper when proposing a soil performance standard.

The rule also specifies when deed restrictions must be recorded for properties with residual soil contamination. This rule change will allow property owners and others to anticipate what restrictions on land use are likely to be required as a condition of case closure.

Other related changes to ch. 700 and 726 define the term "industrial land use," specify contents of deed restrictions and change some provisions of the Groundwater GIS Registry to be consistent with the new Soil GIS Registry. The rule changes, background memo and summary can be found under our "Regulations" button on our web page at www.dnr.state.wi.us/org/aw/rr/wi_regs/index.htm. If the State Legislature approves the new rule language, the rules may go into effect on September 1, 2002.

GIS INFORMATION AND FEE REQUIRED FOR CLOSE OUT REVIEW

The Department of Commerce and Department of Natural Resources will not review a site for closure where a ch. NR 140, Wis. Adm. Code, enforcement standard (ES) is exceeded in the groundwater if the GIS information package and GIS Registry fee have not been submitted.

The GIS information must accompany the request for closure. The fees that are required under ch. NR 749, Wis. Adm. Code, must be submitted to the DNR prior to, or at the same time, that the case closure request is submitted to the agency with administrative authority to review the case for closure.

Closure requests received without the GIS information will be retained at the respective department and will be considered incomplete. If the required fees have not been paid, the agency that received the case closure request will notify the RP, by telephone or letter, that review will not start until the correct fee and/or information is received.

Previously, the departments were able to conduct a closure review and grant a conditional closure before groundwater use restrictions - and deed restrictions if required - were signed and recorded. Because the GIS Registry took the place of groundwater use restrictions, many have assumed that the same rules apply. They do not.

Responsible parties may submit the closure review fee and GIS Registry fee to the DNR on separate checks. A single check may be written for both fees, although it is recommended that a notation should be written on the check that it is intended to cover both the DNR closure and the GIS Registry fee.

If a case-closure request is submitted to the appropriate agency, and a check for the GIS Registry fee is submitted to the DNR, and it is determined by either agency that further remedial action or monitoring is required, the fee for the GIS Registry will be retained by the DNR. If further monitoring indicates that the groundwater contaminant plume has decreased in concentration to below the ES at a site previously requested to be included on the GIS Registry, then the \$250 fee for adding the site to the GIS Registry will be refunded. All properties included in the site must have groundwater contaminant levels below the ES for this situation to occur.

BROWNFIELDS UPDATES

Brownfields Green Space Grant Hearings Approved

The 2001-2003 State Biennial Budget authorized the DNR to create a rule to develop the new Brownfields Green Space and Public Facilities Grant Program. The statute allows the department to award a total of \$1 million to local governments for remediation of brownfields where the end use will have a long-term public benefit.

The proposed rule, ch. NR 173, Wis. Adm. Code, includes criteria for eligible sites, costs and scoring information, including:

- eligible applicants must be local governments;
- eligible projects must be brownfields where the end uses have long-term public benefits, including preservation of green space, development of a recreation area or use by a local government;
- funding is for cleanup costs only;
- the maximum grant award is \$200,000;
- a match is required either from the applicant or a non-profit partner;
- a match amount ranges from 20-50 percent, depending upon the amount requested; and
- projects will be evaluated on the community's overall commitment, demonstrated need for the project and financial commitment, as well as the environmental benefit of the cleanup.



In April, the Natural Resources Board approved public hearings for the rule, to be held June 11 at 1 p.m. in the following locations:

- Room 139, 718 W. Clairemont Ave., Eau Claire;
- Room 618, 200 N. Jefferson St., Green Bay;

BROWNFIELDS UPDATES (CON'T.)

- Room 021, 101 S. Webster St, Madison;
- Room 98, 819 N. 6th St, Milwaukee; and
- Room 1, 107 Sutliff Ave., Rhinelander.

Written comments will be accepted until June 28, and may be sent to Michael Prager, DNR, P.O. Box 7921, Madison, WI 53707. The RR Program plans to have applications available for this grant program in late August, with a due date in November. Awards will be made in early 2003. For a complete text of proposed ch. NR 173, please see the RR web site at www.dnr.state.wi.us/org/aw/rr/wi_regs/index.htm#anchor74198. For more information, please contact Michael Prager at 608-261-4927, or pragem@dnr.state.wi.us.

Federal Brownfields Tax Incentive Deadline Extended

The Federal Brownfields Tax Deduction deadline has been extended until December 31, 2003, and has been expanded to include any property that meets certain contamination criteria. Since the expansion, DNR has certified four properties in Milwaukee and one in Madison, allowing Wisconsin taxpayers to reduce the costs of their brownfield redevelopment projects.

The tax deduction is a tool that taxpayers can use to help clean up and reuse brownfields. This incentive allows taxpayers to reduce their taxable income by deducting eligible investigation and cleanup expenses that are incurred while remediating a brownfield. Sites on EPA's National Priorities List and petroleum sites are excluded.

In order for the Internal Revenue Service to accept the deductions on a tax return, the DNR must confirm that the property meets the contamination criteria. A form must be filled out and submitted to: Percy Mather, Department of Natural Resources, RR/3, 101 S. Webster Street, Box 7921, Madison, WI 53707-7921. The form (4400-206) can be downloaded from the RR web site at www.dnr.state.wi.us/org/aw/rr/financial/fed_tax.html. More detailed information can be found on EPA's brownfields web site at www.epa.gov/brownfields/.

For more information please contact Percy Mather at 608-266-9263, or mathep@dnr.state.wi.us. Accountants and tax attorneys are also excellent resources for more information on utilizing the Federal Brownfields Tax Incentive.

Sustainable Urban Development Zone (SUDZ) Program Continues

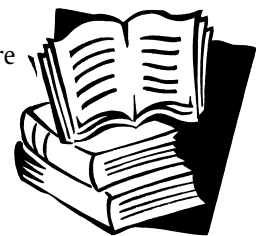
The Sustainable Urban Development Zone (SUDZ) Program encourages communities to investigate and clean up brownfields using an area-wide approach. The 1999-2001 biennial budget authorized \$2.38 million to be spent among five designated SUDZ communities: Beloit, Green Bay, La Crosse, Milwaukee and Oshkosh.

Each of these projects are underway - please see *Sustainable Urban Development Zone Project Update* (publication #RR-667) for more detailed information on these projects. The 2001-2003 State Biennial Budget continued the SUDZ Program, authorizing an additional \$525,000. The budget allocated the city of Fond du Lac \$250,000 and the city of Platteville \$150,000 to address their local brownfields. Both of these cities began project work this spring. There will be a competitive application process this fall for the remaining \$125,000 in SUDZ funding.

NEW, REVISED PUBLICATIONS AVAILABLE

GIS Registry Electronic Submittal Guidelines Developed

New guidelines for submitting closure information for sites to be included on the GIS Registry have been issued. The guidelines (publication #RR-690) outline how responsible party representatives should prepare documents if they choose to submit GIS information on disk or CD-ROM. Electronic submittal will allow the representatives to provide maps and drawings in a format ready to include on the Registry, without the need to change the size of the maps and other exhibits. If paper copies are submitted, maps and other exhibits cannot be larger than 8.5 x 14 inches (please see "Electronic Submittal Guidelines available" on pages 11-12 for more information). These guidelines are available at www.dnr.state.wi.us/org/aw/rr/archives/pubs/RR690.pdf.



Checklist of Documents for GIS Registry Packet Available

A checklist of documents (publication #RR-688) that consultants need to submit with a closure request when a site is required to be added to the GIS Registry is now available on the RR web site at www.dnr.state.wi.us/org/aw/rr/archives/pubs/RR688.pdf.

NEW REVISED PUBLICATIONS AVAILABLE (CON'T.)

Insurance Fees for VPLE Sites Using Natural Attenuation Fact Sheet Revised

The RR Program has renewed its insurance policy for Voluntary Party Liability Exemption (VPLE) sites using natural attenuation. The state's premiums have not changed and, as a result, the fees that voluntary parties must pay in order to obtain a Certificate of Completion for sites closed using natural attenuation will be the same in 2002 as they were in 2001. The current fee schedule and more information about this program can be found in the newly revised Fact Sheet #13 - *Insurance for Voluntary Party Liability Exemption Sites Using Natural Attenuation: Information and Fee Schedule* (publication #RR-661) at www.dnr.state.wi.us/org/aw/rr/archives/pubs/RR661.pdf.

Negotiated Agreements Fact Sheet Available

Negotiated Agreements: Contracts for Non-Emergency Remediation of Contaminated Properties (publication #RR-664) provides helpful information on negotiated agreements, which are legal contracts for properties undergoing non-emergency clean-up actions of released hazardous substances. Each agreement is customized for the site and parties involved, clarifies liabilities and financial responsibilities for the cleanup, and includes a schedule for remediation activities. The fact sheet is available at www.dnr.state.wi.us/org/aw/rr/archives/pubs/RR664.pdf.

New Brownfields Publication Available

The new fact sheet *Brownfields And Comprehensive Planning* - Fact Sheet 15 (publication #RR-679) is now available. This publication describes how brownfields and the RR program fit into the 1999 "Smart Growth" law, and is available at www.dnr.state.wi.us/org/aw/rr/archives/pubs/RR679.pdf.

Lists of Contaminated Sites Fact Sheet Revised

Lists of Contaminated Sites for the Remediation and Redevelopment Program (publication #RR-644) is a newly revised publication that provides a summary of the RR Program's databases and lists of contaminated sites. These lists include Superfund sites, spills, sites with leaking underground storage tanks, sites undergoing investigation and cleanup, and others. The fact sheet is available on line at www.dnr.state.wi.us/org/aw/rr/archives/pubs/RR644.pdf.

KEEP YOUR RR PUBLICATIONS UP-TO-DATE

Often people keep their own personal copies of RR program publications, including publications from many years ago. However, due to the dynamic nature of the RR program, we urge our readers to make sure all your copies of RR publications are up to date. If a publication does not appear on our current list of publications, it is obsolete and should not be used as a reference.



If you have any questions about current or obsolete publications, or questions about obtaining copies of RR publications, please contact our publications coordinator, Megan Clemens, at clemem@dnr.state.wi.us. To access our publications on-line, please check out our link at www.dnr.state.wi.us/org/aw/rr/archives/pub_index.html.



STAFF NEWS

CORRECTION

In the last issue of *Re News* (March, 2002), we incorrectly stated the name of our new RR hydrogeologist in the DNR's southeast region. His correct name is Dave Volkert, and he is located in the DNR's Waukesha service center (262-574-2166).

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For More Information: *Re News* is published quarterly by the Wisconsin Department of Natural Resources Bureau for Remediation and Redevelopment.

This newsletter is available in alternate format upon request. Please call 608-267-3543.

Our Web Site is : <http://www.dnr.state.wi.us/org/aw/rr>

Refer comments and questions to : Bureau For Remediation & Redevelopment
Wisconsin DNR
P.O. Box 7921
Madison, WI 53707 608-261-6422

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This newsletter may contain summary information about certain state statutes and/or rules and does not include all of the details found in the statutes/rules. Readers should consult the actual language of the statutes/rules to answer specific questions.

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